

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MDL-170 (GBD)(SN)

**THOMAS ADAMS; ROBERT
ADDOLORATO; LUIS ALVAREZ;
THOMAS BARBAGALLO; EDWARD
BEHRINGER; TIMOTHY BRANAN;
MARCO BURDI; MICHAEL
CALABRIA; ULISES CALDERIN;
CHRISTOPHER CARUSO; JOHN
CASTELHANO; RICHARD COLLAZO;
JOHN CONENNA ; FRANK
COSENTINO; MICHAEL COSTELLO;
JAMES CRONIN ; ANTHONY
CRUCIATA; MIGUEL CRUZ; LUCY
D'AMICO; RAYMOND DAVIS; COLM
DAWSON; SEAN DOWNES; MURRAY
ELLMAN; ANNETTE ESPOSITO; PAUL
FEDERICO; JAY FERRON; MARTIN
FINKELSTEIN; ANTHONY FITCH;
RAYMOND FLORIDA; MICHAEL
FRISING; ROBERT FROST; STEVEN
GATES; YVONNE GILBERT; WILLIAM
GLEESON; ELIZABETH HAAG;
STEPHEN HAAG; KEVIN HARTIGAN;
JAMES HOWARD; JULIUS INGRAM
JR.; ROBERT JORDAN; MAURICE
JOSEPH; DAVID JUDGE; DAVID
KEEVERN; PETER KOZEL; STEPHEN
KURZ; MARY ELLEN LANIGAN;
BARTOLO LENTINI; BRIAN LETO;
BYRAN LIVERPOOL; RODNEY
LIVOLSI; ELOISE MARTIN; DAVID
MARTINEZ; DENNIS MCGUIRE;
MICHAEL MILES; MICHAEL MILLER;
ROBERT MISTRETTA; ROBERT
MITARITEN; GARY MONTALBANO;
ENRICO MORENO; FREDERICK
MULLER; MICHAEL MURNANE;
JAMES NELLIS; THOMAS O'ROURKE;**

XX-CV-XXXXX (GBD)(SN)

**SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

**RICHARD OGNAN; DARRELL
OVERTON; PHILLIP PANZARELLA;
RONALD PASTINO; JOSE PEINAN;
RICHARD PEPE; ODALIS PEREZ;
ROBERT PETRY; JOHN PIAZZA;
KAREN PIAZZA; BRIAN POLLOCK;
MICHAEL PORTEE; GERARD
RICCIARDI; EDUARDO RIVERA;
JOSEPH RIVERA; ROBERTO RIVERA;
HAROLD ROBERTS; JOHN ROE;
LOUIS RUSSO; ALAN SANDOMIR;
JOHN SCANLON; TRACY SCATIGNO;
JOHN SCHWARTZ; PETER SCOLARO;
JOSUE SEPULVEDA; HAROLD SILVA;
FREDERICK SMITH; ROGER SMITH;
GLEN SPIDLE; JOHN SUAREZ;
DANIEL SULLIVAN; JOSEPH
SWANSON; RICHARD TEEMSMA;
STEVEN TELLONE; MASON WANG;
RONALD WOLF; JOSEPH ZUPO;**

Plaintiffs,

-against-

KINGDOM OF SAUDI ARABIA,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of May 3, 2017, ECF No. 3543. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 (b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): _____

_____.

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**

- ☒ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
- ☒ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
- ☒ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
- ☐ COUNT IV – Wrongful Death.
- ☐ COUNT VI – Alien Tort Claims Act.
- ☒ COUNT VII – Assault and Battery.
- ☒ COUNT VIII – Conspiracy.
- ☒ COUNT IX – Aiding and Abetting.
- ☒ COUNT X – Intentional Infliction of Emotional Distress.
- ☒ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- ☒ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- ☐ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
- ☒ COUNT XV – Trespass.
- ☒ COUNT XVI – Violations of International Law.

- ☐ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
- ☐ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
- ☐ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
- ☐ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
- ☐ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia: _____
- _____
- _____.

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as "Plaintiffs."
- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was

killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.

- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
 - a. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

- 5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

- 4. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.
- 5. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

- 6. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 7, 2018

Respectfully submitted,

/s/ Jodi Westbrook Flowers

Jodi Westbrook Flowers, Esq.

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COUNSEL FOR PLAINTIFFS

APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship/ Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
1	Adams, Thomas	NY	USA				personal injury
2	Addolorato, Robert	NY	USA				personal injury
3	Alvarez, Luis	NY	USA				personal injury
4	Barbagallo, Thomas	NY	USA				personal injury
5	Behringer, Edward	NY	USA				personal injury
6	Branan, Timothy	NY	USA				personal injury
7	Burdi, Marco	NY	USA				personal injury
8	Calabria, Michael	NY	USA				personal injury
9	Calderin, Ulises	NY	USA				personal injury
10	Caruso, Christopher	NY	USA				personal injury
11	Castelhano, John	CT	USA				personal injury
12	Collazo, Richard	FL	USA				personal injury
13	Conenna , John	NY	USA				personal injury
14	Cosentino, Frank	NC	USA				personal injury

15	Costello, Michael	NY	USA				personal injury
16	Cronin , James	NY	USA				personal injury
17	Cruciata, Anthony	NY	USA				personal injury
18	Cruz, Miguel	FL	USA				personal injury
19	D'Amico, Lucy	NY	USA				personal injury
20	Davis, Raymond	NY	USA				personal injury
21	Dawson, Colm	NY	USA				personal injury
22	Downes, Sean	NY	USA				personal injury
23	Ellman, Murray	NY	USA				personal injury
24	Esposito, Annette	NY	USA				personal injury
25	Federico, Paul	NY	USA				personal injury
26	Ferron, Jay	NY	USA				personal injury
27	Finkelstein, Martin	FL	USA				personal injury
28	Fitch, Anthony	NY	USA				personal injury
29	Florida, Raymond	NY	USA				personal injury
30	Frising, Michael	NY	USA				personal injury
31	Frost, Robert	NY	USA				personal injury
32	Gates, Steven	NY	USA				personal injury
33	Gilbert, Yvonne	SC	USA				personal injury
34	Gleeson, William	NY	USA				personal injury
35	Haag, Elizabeth	NY	USA				personal injury
36	Haag, Stephen	NY	USA				personal injury
37	Hartigan, Kevin	NY	USA				personal injury

38	Howard, James	NY	USA				personal injury
39	Ingram jr., Julius	NY	USA				personal injury
40	Jordan, Robert	NY	USA				personal injury
41	Joseph, Maurice	VA	USA				personal injury
42	Judge, David	NY	USA				personal injury
43	Keevern, David	NY	USA				personal injury
44	Kozel, Peter	NY	USA				personal injury
45	Kurz, Stephen	NY	USA				personal injury
46	Lanigan, Mary ellen	NY	USA				personal injury
47	Lentini, Bartolo	NY	USA				personal injury
48	Leto, Brian	NY	USA				personal injury
49	Liverpool, Byran	NY	USA				personal injury
50	Livolsi, Rodney	NY	USA				personal injury
51	Martin, Eloise	NY	USA				personal injury
52	Martinez, David	NY	USA				personal injury
53	Mcguire, Dennis	NY	USA				personal injury
54	Miles, Michael	NY	USA				personal injury
55	Miller, Michael	FL	USA				personal injury
56	Mistretta, Robert	NY	USA				personal injury
57	Mitariten, Robert	NY	USA				personal injury
58	Montalbano, Gary	NY	USA				personal injury
59	Moreno, Enrico	NY	USA				personal injury
60	Muller, Frederick	NY	USA				personal injury

61	Murnane, Michael	NY	USA				personal injury
62	Nellis, James	NY	USA				personal injury
63	O'rourke, Thomas	NY	USA				personal injury
64	Ognan, Richard	NC	USA				personal injury
65	Overton, Darrell	NY	USA				personal injury
66	Panzarella, Phillip	NY	USA				personal injury
67	Pastino, Ronald	NY	USA				personal injury
68	Peinan, Jose	NY	USA				personal injury
69	Pepe, Richard	NY	USA				personal injury
70	Perez, Odalis	NY	USA				personal injury
71	Petry, Robert	PA	USA				personal injury
72	Piazza, John	TN	USA				personal injury
73	Piazza, Karen	TN	USA				personal injury
74	Pollock, Brian	NY	USA				personal injury
75	Portee, Michael	NY	USA				personal injury
76	Ricciardi, Gerard	NY	USA				personal injury
77	Rivera, Eduardo	NY	USA				personal injury
78	Rivera, Joseph	NJ	USA				personal injury
79	Rivera, Roberto	FL	USA				personal injury
80	Roberts, Harold	NY	USA				personal injury
81	Roe, John	NY	USA				personal injury
82	Russo, Louis	NY	USA				personal injury
83	Sandomir, Alan	NY	USA				personal injury

84	Scanlon, John	NY	USA				personal injury
85	Scatigno, Tracy	NY	USA				personal injury
86	Schwartz, John	NY	USA				personal injury
87	Scolaro, Peter	NY	USA				personal injury
88	Sepulveda, Josue	NY	USA				personal injury
89	Silva, Harold	PA	USA				personal injury
90	Smith, Frederick	NY	USA				personal injury
91	Smith, Roger	NY	USA				personal injury
92	Spidle, Glen	PA	USA				personal injury
93	Suarez, John	NY	USA				personal injury
94	Sullivan, Daniel	FL	USA				personal injury
95	Swanson, Joseph	NY	USA				personal injury
96	Teemsma, Richard	NC	USA				personal injury
97	Tellone, Steven	FL	USA				personal injury
98	Wang, Mason	NY	USA				personal injury
99	Wolf, Ronald	NY	USA				personal injury
100	Zupo, Joseph	NY	USA				personal injury